THE HON'BLE SRI JUSTICE RAMESH

RANGANATHAN

W.P.No. 28699 OF 1996

DATE: 24-1-2007

Between:

B.N.Reddy .... Petitioner

And

1. The Addl. Industrial Tribunal-cum-
Addl.Labour Court, Hyderabad and another .. Respondents

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W.P.No. 28699 OF 1996

O R D E R:

Questioning the award of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad in I.D.24 of 1994 dated 23.3.1995, the present writ petition is filed.

The petitioner, a driver in Ranigunj Depot was removed from service on 9.9.1993 consequent upon a domestic enquiry held to inquire into charges of a fatal accident caused by him. On 18.5.1993 when the bus driven by the petitioner was proceeding from Mettuguda to Secunderabad and when it reached Mettuguda at about 2.30 p.m. there was an accident in which a cyclist suffered injury. He was put in an auto-rickshaw and taken to Gandhi Hospital where he succumbed to injuries. On his being held guilty of the charges the petitioner was imposed the punishment of removal from service. Aggrieved thereby he approached the Additional Industrial Tribunal. The Tribunal observed that the petitioner's version that an autorikshaw hit the cyclist was an absolutely falsehood and that, since the cycle was lying under the left rear wheel of the bus and the cyclist was lying by the side of the bus, the bus could have hit the cycle while overtaking it as both the cycle and cyclist were on the

left side of the bus. The Additional Industrial Tribunal held that there may be some error of judgment on the part of the petitioner. In such circumstances the Tribunal passed the award directing the respondents to reinstate the petitioner into service with continuity of service, but without back wages or any other monetary benefits. It is this award of the Additional Industrial Tribunal, denying back wages, which is impugned in this writ petition.

Denial of back wages, in the present case, is as a measure of punishment. Causing a fatal accident, resulting in the death of a cyclist, is the charge. The Tribunal disbelieved the version put forth by the petitioner and held that there was some error of judgment on the part of the petitioner in causing the accident. The Tribunal has, in fact, shown misplaced sympathy in directing reinstatement of such an employee into service and in addition giving him the benefit of continuity of service. Since it is stated that the respondent- Corporation has not chosen to challenge the award of the Additional Industrial Tribunal, this question does not necessitate further examination. By no stretch of imagination can it be held that, in such facts and circumstances, denial of back wages as a measure of punishment is grossly disproportionate to the charge held established.

The writ petition, as filed, is wholly misconceived

and is accordingly dismissed. No order as to costs.

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24-1-2007

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